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18 Attorneys for Defendant
19 MIRANT CORPORATION

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 NATIVE VILLAGE OF KIVALINA and
24 CITY OF KIVALINA,

25 Plaintiffs,

26 v.

27 EXXONMOBIL CORPORATION; BP
28 P.L.C.; BP AMERICA, INC.; BP
PRODUCTS NORTH AMERICA, INC.;
CHEVRON CORPORATION;
CHEVRON U.S.A., INC.;
CONOCOPHILLIPS COMPANY;
ROYAL DUTCH SHELL PLC; SHELL
OIL COMPANY; PEABODY ENERGY
CORPORATION; THE AES
CORPORATION; AMERICAN
ELECTRIC POWER COMPANY, INC.;
AMERICAN ELECTRIC POWER
SERVICES CORPORATION; DTE
ENERGY COMPANY; DUKE ENERGY
CORPORATION; DYNEGY
HOLDINGS, INC.; EDISON
INTERNATIONAL; MIDAMERICAN
ENERGY HOLDINGS COMPANY;

Civ. Action No.: CV-08-1138-SBA

STIPULATION DISMISSING
COMPLAINT FOR DAMAGES AS TO
MIRANT CORPORATION WITH
PREJUDICE

[NO HEARING REQUIRED]

MIRANT CORPORATION; NRG
ENERGY; PINNACLE WEST CAPITAL
CORPORATION; RELIANT ENERGY,
INC.; THE SOUTHERN COMPANY;
AND XCEL ENERGY, INC.


IT IS HEREBY STIPULATED AND AGREED, by undersigned counsel, that Native
Village of Kivalina and City of Kivalina hereby dismiss the above-captioned case as to Mirant
Corporation with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Each respective party will bear its own costs for fees and expenses incurred in Civ. Action
No. CV- 08-1138-SBA.

LAW OFFICES OF MATTHEW F. PAWA, P.C.

VINSON & ELKINS LLP


Matthew Pawa


Kevin A. Gaynor

Attorneys For Native Village of Kivalina and City
of Kivalina

Attorneys For Mirant Corporation

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16 NATIVE VILLAGE OF KIVALINA and
17 CITY OF KIVALINA,

18 Plaintiffs,

19 v.

20 EXXONMOBIL CORPORATION; BP
21 P.L.C.; BP AMERICA, INC.; BP
22 PRODUCTS NORTH AMERICA, INC.;
23 CHEVRON CORPORATION;
24 CHEVRON U.S.A., INC.;
25 CONOCOPHILLIPS COMPANY;
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27 OIL COMPANY; PEABODY ENERGY
28 CORPORATION; THE AES
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INTERNATIONAL; MIDAMERICAN
ENERGY HOLDINGS COMPANY;

Civ. Action No.: CV-08-1138-SBA

**PROPOSED ORDER GRANTING
STIPULATION DISMISSING
COMPLAINT FOR DAMAGES AS TO
MIRANT CORPORATION WITH
PREJUDICE**

[NO HEARING REQUIRED]

1 MIRANT CORPORATION; NRG
2 ENERGY; PINNACLE WEST CAPITAL
3 CORPORATION; RELIANT ENERGY,
4 INC.; THE SOUTHERN COMPANY;
5 AND XCEL ENERGY, INC.

6 In light of the agreed stipulation of Plaintiffs and Defendant Mirant Corporation, IT IS
7 HEREBY ORDERED that Defendant Mirant Corporation is dismissed with prejudice.

8 DATED: _____ 2008
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11 By: _____
12 The Hon. Sandra B. Armstrong
13 United States District Judge
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